

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicant(s):** Michael Wayne Graham**Examiner:** S. Kaushal**Serial No:** 09/100,812**Art Unit:** 1636**Filed:** June 19, 1998**Docket:** 11535**For:** SYNTHETIC GENES AND GENETIC  
CONSTRUCTS COMPRISING SAME I**Dated:** October 17, 2002

Assistant Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

Please kindly enter the following preliminary amendment in the above-identified case.

**IN THE CLAIMS:**

✓  
**Please cancel claims 52-53 and 57-58 without prejudice.**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the Assistant Commissioner for Patents, Washington, DC 20231.

Dated: October 17, 2002

*Anna Baerga*  
Anna Baerga

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**SCULLY, SCOTT, MURPHY  
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# Fax

**To:** Examiner S. Kaushal  
Art Unit: 1636

**From:** Frank S. DiGiglio, Esq.

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**Date:** October 17, 2002

**Re:** Michael Wayne Graham  
U.S. Patent Appln. No. 09/100,812  
Our Docket: 11535

**CC:**

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• **Comments:**


Dear Examiner Kaushal:

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1. Amendment Transmittal (in dup)
2. Preliminary Amendment
3. Version with Markings to Show Changes Made
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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>			Docket No. <b>11535</b>
Applicant(s): <b>Michael Wayne Graham</b>			
Serial No. <b>09/100,812</b>	Filing Date <b>June 19, 1998</b>	Examiner <b>S. Kaushal</b>	Group Art Unit <b>1636</b>
Invention: <b>SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I</b>			
<u><b>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</b></u>			
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.			
<b>CLAIMS AS AMENDED</b>			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT
TOTAL CLAIMS	86 -	104 =	0 x
INDEP. CLAIMS	7 -	38 =	0 x
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>			\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>			<b>\$0.00</b>
 <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of \$0.00 to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>19-1013/SSMP</b> A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.			
 Signature		Dated: <b>October 17, 2002</b>	
<b>Frank S. DiGiglio</b> Registration No. 31,346 Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, New York 11530 (516) 742-4343		<div style="border-bottom: 1px solid black; margin-bottom: 5px;">I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Signature of Person Mailing Correspondence</div> <div style="border-bottom: 1px solid black;">Typed or Printed Name of Person Mailing Correspondence</div>	
CC:			

P11LARGE/REV08

